

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

DWAYNE M. MURRAY

CIVIL ACTION NO. 08-471

VERSUS

JUDGE DOHERTY

NEFF RENTAL, INC.

MAGISTRATE JUDGE METHVIN

RULING ON MOTION TO COMPEL
(Rec. Doc. 12)

Before the undersigned magistrate judge is Defendant's Motion to Compel Response to Certain Interrogatories and for Sanctions (Rec. Doc. 12). In its motion, defendant states that on October 28, 2008, mover propounded discovery upon plaintiff, and on January 7, 2009, conducted a Rule 37.1 conference with plaintiff. Defendant states that at the Rule 37.1 conference, plaintiff agreed to supplement his answers to interrogatories 2, 3 and 6, and to verify the responses to the interrogatories. Plaintiff verified the responses and supplemented the response to interrogatory number 6, but did not supplement his responses to interrogatory numbers 2 and 3.

The record shows that the motion to compel was filed on January 20, 2009; however, to date, the court has received no opposition.

Movers' counsel certifies that the parties held a Rule 37.1 conference on January 7, 2009, as outlined above, but has not received supplemental responses to interrogatory numbers 2 and 3 as promised. Considering the foregoing,

IT IS HEREBY ORDERED that the Motion to Compel is **GRANTED AS FOLLOWS:**

1) Plaintiff shall provide full supplementary responses to the discovery at issue **within fifteen days of the date of this order.**


2) Plaintiff shall pay the attorney's fees and costs incurred in connection with the filing and prosecution of the instant motion to compel in accordance with Fed.R.Civ.P. 37(a)(4). Movers' counsel shall file a motion to set attorney's fees and an affidavit of fees and costs into the record **on or before March 12, 2009**, in order to assist the court in the assessment of a reasonable fees and costs award. The affidavit(s) shall contain: (1) The customary hourly rate of each attorney and paralegal involved; (2) a detailed description of each task completed, and a statement of the amount of time expended upon each task; and (3) an itemized list of expenses incurred. Failure to file the affidavit in the form required and/or within the deadline imposed will render the award null and void. **Objections to the affidavit shall be filed on or before March 23, 2009.**

The Clerk of Court shall notice any motion and affidavit filed for consideration on the undersigned's April, 2009 motion calendar, without oral argument, as an "assessment of Rule 37(a)(4) fees and expenses."

3) The remaining requests for relief are **DENIED**.

IT IS FURTHER ORDERED that oral argument on the motion scheduled for **February 25, 2009 at 9:30 a.m.** is **CANCELED**.

Signed at Lafayette, Louisiana, on February 19, 2009.



Mildred E. Methvin
United States Magistrate Judge
800 Lafayette St., Suite 3500
Lafayette, Louisiana 70501
(337) 593-5140 (phone) 593-5155 (fax)